

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:01-CR-69-1-F
No. 7:02-CV-206-F

LINO ZEPEDA GOMEZ,
Movant,

v.

UNITED STATES OF AMERICA,
Respondent.

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ORDER

Having conducted an examination of Lino Zepeda Gomez's "Motion to Set Aside a Previous § 2255 Judgment" pursuant to Rule 60 (b)(4), (5) & (6), [DE-41], the court deems it necessary to receive the Government's Response thereto. Accordingly, the United States Attorney is DIRECTED to file an Answer or to make such other response as appropriate to the above-captioned motion within **thirty (30)** days of the filing of this order.

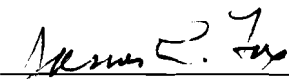
The Clerk of Court is DIRECTED to forward to Mr. Gomez a form petition to proceed *in forma pauperis* ("IFP application") pursuant to 28 U.S.C. § 1915 (a) (2). Mr. Gomez shall complete and return the IFP application to the Clerk of Court on or before **April 28, 2011**.

The Clerk of Court is DIRECTED immediately upon receipt to submit the completed IFP application to the undersigned for disposition.

If Mr. Gomez qualifies for appointment of counsel, the court will make such appointment pursuant to 28 U.S.C. § 2255 (g) and 18 U.S.C. 3006A, and direct counsel to reply to the Government's response within **thirty (30)** days of appointment.

SO ORDERED.

This, the 7th day of April, 2011.



JAMES C. FOX
Senior United States District Judge